

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DENNIS R. HAMMOND, et al., )  
                                  )  
Plaintiffs,                 )  
                                  )  
v.                            ) No. 4:14CV01460 AGF  
                                  )  
PATTERSON AUTO SALES,     )  
INC., et al.,                )  
                                  )  
Defendants.                 )

**MEMORANDUM AND ORDER**

This matter is before the Court on review of the record. Plaintiffs initially filed this action in the Circuit Court of St. Louis County, Missouri, asserting state law claims arising out of an allegedly fraudulent motor vehicle sale in St. Louis County. Defendant Patterson Auto Sales, Inc. (“Patterson”) removed the action to this Court on August 22, 2014, asserting diversity jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. Although Plaintiffs did not move to remand, upon review of Patterson’s notice of removal and Plaintiffs’ state court petition, the Court found that it could not determine whether it had subject matter jurisdiction.

Therefore, on November 17, 2014, the Court entered an Order requiring Patterson to file an amended notice of removal and memorandum in support thereof alleging jurisdictional facts to establish by a preponderance of the evidence: (1) complete diversity of citizenship, (2) consent to removal by all defendants properly joined and served, and (3) that the amount in controversy exceeds \$75,000, exclusive of interest and

costs. (Doc. No. 14.) The Court ordered Patterson to file its amended notice of removal and supporting memorandum by November 26, 2014, and the Court specifically cautioned that “Patterson’s failure to timely and fully comply with this Order will result in the remand of this case for lack of subject matter jurisdiction.” (*Id.* at 7.) The Court also stayed all proceedings in this case until the jurisdiction issue was resolved. (*Id.* at 8.)

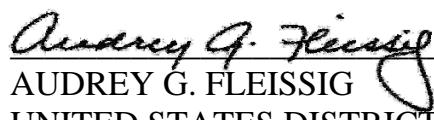
Patterson failed to file an amended notice of removal or supporting memorandum and has therefore failed to satisfy its burden to demonstrate that jurisdiction exists in this case. *Altimore v. Mount Mercy College*, 420 F.3d 763, 768 (8th Cir. 2005) (holding that the removing defendant “bears the burden of establishing jurisdiction by a preponderance of the evidence.”).

Accordingly,

**IT IS HEREBY ORDERED** that the stay of proceedings entered in this matter on November 17, 2014 is **LIFTED**.

**IT IS FURTHER ORDERED** that this matter is **REMANDED** to the Circuit Court of St. Louis County, Missouri, in which it was filed.

**IT IS FURTHER ORDERED** that all pending motions in this case are **DENIED** without prejudice, as moot.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 3<sup>rd</sup> day of December, 2014.